

**Chicago Instructional  
Technology Foundation, Inc.  
P.O. Box 6060 DCC  
Boulder, CO 80306**

**ORIGINAL**

**Telephone: (303) 442-2707  
FAX: (303) 532-2855**

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**JUN -8 2007**

Federal Communications Commission  
Office of the Secretary

June 7, 2007

**By Hand Delivery**

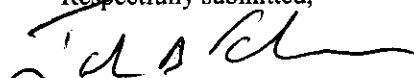
Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Dear Ms. Dortch,

Attached please find the Objection to Post-Transition Notification of Chicago Instructional Technology Foundation, Inc., filed in WT Docket No. 06-136.

Should the Commission have any questions about this filing, kindly contact the undersigned.

Respectfully submitted,

  
John B. Schwartz  
President

Attachment

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Post-Transition Notification for BTA 078, Chicago, IL,	)	WT Docket No. 06-136
Submitted by PCTV Gold, Inc.	)	

**Objection to Post-Transition Notification  
of Chicago Instructional Technology Foundation, Inc. ("CITF")**

This Objection to Post-Transition Notification is submitted to the Commission by CITF pursuant to Section 27.1235(d) of the Commission's Rules.

PCTV Gold, Inc., a wholly-owned subsidiary of Sprint Nextel Corporation ("Sprint"), is the proponent for the EBS/BRS bandplan transition at BTA078, Chicago, IL ("Chicago BTA"). Sprint tendered a final Transition Plan for the Chicago BTA to CITF on February 8, 2007 and CITF accepted it on February 9, 2007. Paragraph 8 of this Transition Plan is entitled Standards of Work. This paragraph states: "All work done by Sprint Nextel or its contractors will be done in a good and workman-like manner."<sup>1</sup>

Though its engineering personnel were aware that there were unresolved technical problems at some of CITF's instructional receive sites, Sprint filed the above-captioned Post-Transition Notification for BTA078, Chicago, IL, on April 30, 2007 ("Chicago Notification").<sup>2</sup> Sprint's regulatory staff did not consult CITF as to the status of transition work before filing the Chicago Notification. The Commission gave public

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<sup>1</sup> This page of the Chicago BTA Transition Plan is attached hereto as Exhibit I.

<sup>2</sup> See the attached Declaration of Adam Miller ("Miller Declaration")

notice of this filing on May 8, 2007 and established June 8, 2007 as the deadline for BRS and EBS licensees to submit an objection.<sup>3</sup>

CITF provides instructional television service on the EBS D channel group in Chicago over two EBS stations, WLX630 (which is licensed to channels D1 and D3) and WNC263 (which is licensed to channels D2 and D4). CITF's video transmission site is the AON Building in downtown Chicago, one of the city's highest buildings. This site is used by both WLX630 and WNC263, which share a transmitting antenna system. CITF delivers its instructional service to elementary and secondary schools, as well as to other locations, including churches. CITF's receive sites traditionally have received programming transmitted over both WLX630 and WNC263.<sup>4</sup>

#### Objection

CITF objects to the above-captioned Post-Transition Notification on the following grounds.

As set forth in the attached Declaration of Vicki Milewski ("Milewski Declaration"), Sprint assigned Chicago downconverter replacement work to a contractor, Baker Installation ("Baker"). Baker's downconverter replacement work has left certain of CITF's receive sites without video reception, despite the fact that these sites enjoyed good reception previously. In other cases, receive sites that previously had received a good quality video signal now receive an inadequate video signal.

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<sup>3</sup> See Public Notice DA 07-2031, May 8, 2007.

<sup>4</sup> The Chicago Notification incorrectly lists WLX630 as "Not Operating." (See Schedule A to the Chicago Notification.) Upon Sprint's request, and as a courtesy to Sprint, CITF has been transmitting video only on WNC263's Channel C4 since March 23, 2007, but has not dismantled or ceased to operate WLX630. Indeed, in light of the fact that the transition in Chicago has not been completed, CITF may transmit video on any C group channel.

*Sprint's execution of the EBS/BRS bandplan transition in the Chicago BTA to date does not comply with the requirements of its own Transition Plan, which specifies that all work carried out by Sprint or its contractors "will be done in a good and workmanlike manner."*<sup>5</sup>

As set forth in the Miller Declaration and Milewski Declaration, CITF and Sprint have been in communication with each other as to problems at CITF's receive sites regarding Baker's work, both before and after the filing of the Chicago Notification. On May 7, 2007, CITF informed Sprint that if the problems were not remedied promptly, CITF would file an Objection to the Chicago Notification.<sup>6</sup> In response, Baker corrected initial problems at a number of CITF's receive sites. However, as of yesterday the following receive sites still had no video reception: ACT Charter School, and West Englewood United Methodist Church. In addition, the following receive sites had poor quality reception as of yesterday: Ashe Elementary School, Henson Elementary School, Lafayette Magnet School, Moos Elementary School, Vanderpoel Elementary School, and Greater Salem Baptist Church. As set forth in the Milewski Declaration, prior to Baker's work, all of the above-mentioned sites enjoyed good quality video reception.

#### Relief Sought

CITF asks that Sprint be required to correct defective work at all CITF's receive sites, and that the Commission consider the transition of BTA 078 to be incomplete until such corrective work has been effected and certified to the Commission in writing by both CITF and Sprint. As well, in light of the unreliable quality of the work performed to date, CITF asks that Sprint be required to provide a one-year equipment and

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<sup>5</sup> Sprint Transition Plan, paragraph 8, attached hereto as Exhibit I.

<sup>6</sup> See the Miller Declaration.

workmanship warranty with respect to all CITF receive site work that Sprint or its contractor has performed.

Respectfully submitted,

CHICAGO INSTRUCTIONAL TECHNOLOGY  
FOUNDATION, INC.

By:   
John B. Schwartz, President

Chicago Instructional Technology Foundation, Inc.  
P.O. Box 6060  
Boulder, CO 80306  
(303) 442-2707

Dated: June 7, 2007

**TRANSITION PLAN**

**FOR BASIC TRADING AREA CHICAGO, IL  
BTA NO. 078**

1. **TRANSITION PLANNING PERIOD:** The Transition Planning Period ("TPP") is a period of 90 days from the date Sprint Nextel filed its Initiation Plan with the FCC. The TPP for BTA 078 ends on 12/26/06.
2. **TPP CONFIGURATION ELEMENTS:**

Exhibit A identifies the Pre- and Post-Transition technical configuration of call signs of the stations that will transition to the new band plan and the specific channels that each licensee will receive following the transition. Sprint Nextel will clear the spectrum redesignated for BRS Channels 1 and 2/2A.

Exhibit B describes the receive sites at which we (or our designee) will install replacement down converters for eligible EBS licensees, in each case in accordance with the Transition Rules.

Exhibit C describes the video programming and data transmission tracks, if any, that we (or our designee) will migrate to the middle band spectrum (the "MBS") in each case in accordance with the Transition Rules.

Exhibit D describes the equipment, if replacement equipment is required, being provided and recovered as part of the comparable facilities.
3. **APPROXIMATE TRANSITION TIMELINE:** Our goal is to ensure that, 18 months after the TPP ends, all operations on currently licensed channels in this BTA will have been relocated to new channels, as required by the FCC<sup>1</sup>. The Transition will begin either when Sprint Nextel receives your signed acknowledgment form, attached, or on 12/18/06, if we have not heard from you.<sup>2</sup>
4. **DISRUPTIONS:** During the BTA Transition, BRS and EBS transmissions may be temporarily disrupted not more than six (6) days, unless otherwise mutually agreed between you and us for a particular receive site.
5. **TRANSITION PERFORMANCE ASSURANCE:** Sprint Nextel has reserved sufficient funds to ensure completion of the transition in accordance with the Transition Plan based on the information contained on the pre-transition data request.
6. **PLAN MODIFICATION:** In the event that you submit a counterproposal to this Transition Plan, we will consider your counterproposal and (a) accept it and modify the Transition Plan accordingly, (b) negotiate with you to reach a mutually agreeable resolution, or (c) if we cannot reach an agreement on your Transition Plan within 10 days of receiving your counterproposal, seek assistance from a third party to resolve the dispute<sup>3</sup>.
7. **INDEMNIFICATION:** Sprint Nextel shall indemnify CITF and save it harmless from and against any and all liability, damages, costs or expenses, including attorney's fees, arising from any improper act, omission, or negligence of Sprint Nextel or its officers, contractors, licensees, agents, servants, employees, or invitees in or about any work sites by Sprint Nextel, or arising from any accident, injury, or damage to any person or property, occurring in or about any work sites arising from negligence of Sprint Nextel in the installation, testing or removal of the equipment for the purpose of effecting the Transition.
8. **STANDARDS OF WORK:** All work done by Sprint Nextel or its contractors will be done in a good and workman-like manner.
9. **NOTICES AND CONTACT INFORMATION:** All notices and other communications related to this Transition Plan must be in writing and will be considered given: (a) on the same day if sent by facsimile or electronic mail with

<sup>1</sup> BRS/EBS 3<sup>rd</sup> MO&O, WT Dkt. No. 03-66 at ¶ 144.

<sup>2</sup> The Transition Rules provide that Sprint Nextel must receive all counterproposals by 10 days before the TPP ends on 12/26/06 (i.e., 12/16/06). But since 12/16/06 falls on a Saturday, this deadline has been extended until the following business day, 12/18/06.

<sup>3</sup> BRS/EBS 3<sup>rd</sup> MO&O, WT Dkt. No. 03-66, ¶¶ 107, 123, 178.

confirmation of delivery or if hand-delivered; (b) the next business day if sent by overnight delivery via a reliable express delivery service; or (c) after 5 business days if sent by certified mail, return receipt requested, postage prepaid. Any notice to you will be delivered to the address indicated on your acknowledgment to this Transition Plan, or the address provided in your pre-transition data request response, if no acknowledgment is received (or such other address as you may subsequently specify to Sprint via a written notice). Any notice to Sprint must be delivered to the following address (or such other address as we may subsequently specify to you in a written notice):

With a copy to:

**Sprint Nextel Corporation**  
c/o Sprint Nextel Corporation  
2001 Edmund Halley Drive  
Mailstop VARESP0301  
Reston, Virginia 20191-3436  
Attn: Kevin McConnaughey PM EBS Transition  
kevin.mcconnaughey@sprint.com  
Phone: (703) 592-7670  
Fax: (703) 592-7370

**Sprint Nextel Corporation**  
c/o Sprint Nextel Corporation  
Attn: Dorothy E. Cukier  
Counsel-Spectrum Transactions  
2001 Edmund Halley Drive-A3132  
Mailstop VARESP0302  
Reston, Virginia 20191-3436  
Dorothy.Cukier@sprint.com  
Phone: (703) 592-2779  
Fax: (703) 592-7370

The persons designated for notices by you and Sprint will be the primary contact persons for all matters pertaining to this Transition Plan.


## **Declaration of Adam Miller, National Director of Instructional Television**

I, Adam Miller, am National Director of Instructional Television for Chicago Instructional Technology Foundation ("CITF") and several other EBS licensees. It is part of my job to respond to pre-transition data requests, evaluate proposed transition plans, and communicate with transition proponents. I performed these functions for CITF with respect to the transition of BTA 078, Chicago, IL.

Sprint regulatory personnel did not contact CITF to confirm that transition work had been completed prior to filing a Post-Transition Notification for BTA 078, Chicago, IL ("Chicago Notification").

After CITF was served with a copy of the Chicago Notification, I contacted Robert H. McNamara, Sprint's Director, Spectrum Management Government Affairs on May 7, 2007. At that time, I explained to Mr. McNamara that in fact Sprint had not completed receive site work at CITF's receive locations and Sprint engineers were in the field with CITF's local staff troubleshooting. I told Mr. McNamara that I didn't think it made sense to file the Chicago Notification without first consulting CITF and other EBS licensees and confirming completion. I also informed Mr. McNamara that in light of the proximate deadline, CITF would be forced to object to the Chicago Notification if the work were not completed promptly. Mr. McNamara explained that he had received word from his engineers that all work had been finished, the Chicago Notification had already been filed and we were free to object as soon as the Chicago Notification appeared on Public Notice. I found this perplexing since I had been in recent contact with Sprint's Kevin McConnaughey and engineer Mike Denny and our local staff person was working with Sprint engineers Keith Neff, Amy Lesperance and Matt Davis to correct the outstanding technical problems with the transition work.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 7, 2007.



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Adam Miller



I, Vicki Milewski, am the Director of The Chicago Instructional Technology Foundation (CITF). It is my part of my job to visit CITF's instructional receive sites and make sure they are receiving a quality broadcast. I have been employed by CITF since October, 2000 and have been regularly visiting CITF's receive sites since I was hired.

The declaration is based upon my first-hand experience in visiting CITF sites and inspecting Sprint's contractor's work at those sites. Sprint's contractor, Baker Installation (Baker), started work to install replacement downconverter/receiving antenna systems at CITF sites on March 6, 2007. Baker visited all of CITF's receive sites, but, as described below, some of its work was defective and remains uncorrected as of this writing.

Sprint was informed that there are unresolved technical problems, and since May 31, 2007, Baker has corrected initial problems at a number of CITF's sites. It has made unsuccessful efforts at correction at other CITF sites. Among sites that Baker has not corrected are the following eight. These sites remain either without reception entirely or with unacceptable reception. All of these sites had good quality reception before the Sprint's work, as I verified through site visits in February, 2007.

- 1 ACT Charter School (ACT) had good reception previously, but after Baker's work there is no reception at all. I am told by Sprint that there is no line of sight from ACT to CITF's transmitter location. ACT had a good broadcast before the transition and after the transition no reception at all.
- 2 Ashe Elementary School had good reception before Baker's work, but afterwards there was at first no reception. Baker installed bad fittings at the TV and receive antenna, and upon my inspection visit they had fallen apart. The fittings were repaired, but now the video reception is fuzzy and the audio unclear.
- 3 West Englewood United Methodist Church had good reception before the Baker's work and after the work there is no reception.
- 4 Henson Elementary School had good reception before Baker's work and after Baker's work had no signal. After Baker attempted corrective measures, reception now shows a faded picture with little sharpness or contrast of colors.
- 5 Lafayette Magnet School had good reception before Baker's work and afterward its reception shows a faded picture with little sharpness or contrast of colors. Initial efforts at remediation produced little improvement.
- 6 Moos Elementary School had good reception before Baker's work, and after the transition its reception shows a faded picture with little sharpness or contrast of colors.
- 7 Vanderpoel Elementary School had good reception before Baker's work and afterwards its reception shows a faded picture with little sharpness or contrast of colors.
- 8 Greater Salem Baptist Church had good reception before Baker's work and afterward has static in the picture.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 6, 2007.



Vicki Milewski

# Certificate of Service

I, Chris Artem, hereby certify that the foregoing **Objection to Post Transition Notification of Chicago Instructional Technology Foundation, Inc.** was served this 7th day of June , 2007, by depositing a true copy thereof with the United States Postal Service, first-class prepaid, addressed to the following parties:



PCTV Gold, Inc. B078 2001 Edmund Halley Drive Reston, VA 20191	New Trier Township High School District 203 KGZ66 385 Winnetka Ave Winnetka, IL 60093	The Catholic Bishop of Chicago WAC262 155 East Superior Street Chicago, IL 60611
Illinois Institute of Technology WBM648 10 West 31st Street, 223 Stuart Building, Room 103 Chicago, IL 60616	Illinois Institute of Technology WHG269 10 West 31st Street, 223 Stuart Building, Room 103 Chicago, IL 60616	Alda Wireless Holdings, Inc. WHK999 2001 Edmund Halley Drive Reston, VA 20191
Triton College WHM934 2000 Fifth Avenue River Grove, IL 60171	Board of Trustees, Oakton Community College District 535 WHR498 1600 East Golf Road Des Plaines, IL 60016-1268	Chicago MDS Company WHT562 P.O. Box 407 Islamorada, FL 33036
Board of Trustees, Governors State University WLX476 1 University Parkway University Park, IL 60466	South Suburban College WLX940 15800 South State Street South Holland, IL 60473	Alda Wireless Holdings, Inc. WMX255 2001 Edmund Halley Drive Reston, VA 20191
New Trier Township High School District 203 WND289 385 Winnetka Ave Winnetka, IL 60093	The Catholic Bishop of Chicago WND546 155 East Superior Street Chicago, IL 60611	Alda Wireless Holdings, Inc. WNEL393 2001 Edmund Halley Drive Reston, VA 20191
Alda Wireless Holdings, Inc. WNET334 2001 Edmund Halley Drive Reston, VA 20191	Chicagoland Microwave Licensee, Inc. WOF49 2000 S. York Road, Suite 114 Oak Brook, IL 60523	